

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ERIN VECCHIO,

Plaintiff,

09cv1485

**ELECTRONICALLY FILED**

v.

ANTHONY M. DELUCA in his official and  
individual capacity and STEVEN H. STETLER  
in his official and individual capacity.

Defendants.

**Order of Court Denying Plaintiff's  
Motion to Disclose FBI Information (Doc. No. 59)**

On May 4, 2010, this Court entered an Order of Court (Doc. No. 73) Granting in Part and Denying in Part Plaintiff's Motion to Disclose FBI Information (Doc. No. 59), after considering plaintiff's motion and the Federal Bureau of Investigations' ("FBI") Response (Doc. No. 72) filed pursuant to this Court's Text Order of March 25, 2010. Plaintiff's motion seeks certain information she believes may be found in FBI investigation files, i.e., notes, witness statements, testimony, recordings and other documents regarding three related categories of information: (1) information that refers to Defendant Anthony DeLuca's knowledge of Plaintiff's grand jury testimony and Defendant DeLuca's use of his political power to influence Defendant Steven H. Stetler's decision to terminate Vecchio; (2) information regarding Defendant Stetler's knowledge of Plaintiff's grand jury testimony and Defendant Stetler's decision to terminate Vecchio; and (3) information regarding any other individual's knowledge of Plaintiff's grand jury testimony or information regarding Plaintiff's termination from employment with the Department of Revenue. Plaintiff explicitly limited her request "solely to information which pertains to the individual Defendants' involvement in her termination and Defendants' knowledge of Vecchio's testimony

before the grand jury.” Brief in Support (Doc. No. 66) at 3.

The FBI indicated it had no documents responsive to the first two categories of information, but that it had located three documents that *might* fit into the third category. Although the FBI disputes Plaintiff’s entitlement to disclosure of *any* items in its files pertaining to a current investigation,<sup>1</sup> it does not object to the Court reviewing the documents *in camera* to determine whether they are within the scope of plaintiff’s requests and, if so, whether they may be properly withheld as privileged. With that understanding, the Court granted in part and denied in part plaintiff’s motion for disclosure, and ordered the FBI to submit to the Court for *in camera* review any and all notes, witness statements, testimony, recordings or other documents responsive to plaintiff’s requests. Thereafter, the government submitted the potentially responsive documents to the Court in full and redacted versions, under seal. (Doc. No. 79).

After *in camera* review, this Court finds that the documents from the FBI investigative files are not responsive to any of plaintiff’s requests, and do not need to be disclosed to plaintiff. While one of the documents indicates that some non-party had some knowledge about plaintiff’s termination, that person did not purport to have any knowledge about any grand jury proceedings nor any knowledge about plaintiff’s termination that pertained “solely . . . to the individual Defendants’ involvement in her termination.”<sup>2</sup>

Accordingly, to the extent it was not previously denied in part, the Court HEREBY

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<sup>1</sup> The F.B.I. asserts that “disclosure would reveal information compiled for law enforcement proceedings, production of which may interfere with ongoing criminal investigation. In addition to asserting law enforcement privilege, the F.B.I. also asserts that the Privacy Act, 5 U.S.C. § 552a precludes production.” FBI Response at 3.

<sup>2</sup> For what it’s worth, the information set forth in this one document regarding the person’s knowledge about plaintiff’s termination is not favorable to plaintiff’s cause.

DENIES Plaintiff's Motion to Disclose FBI Information (Doc. No. 59). The documents filed by the FBI at Document No. 79 shall remain under seal.

s/ Arthur J. Schwab  
Arthur J. Schwab  
United States District Judge

cc: All Registered ECF Counsel and Parties